

ORIGINAL

OFFICIAL FILE  
STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

Enbridge Energy Partners, L.P. and )  
Enbridge Energy, Limited Partnership )  
Application for a Certificate in Good )  
Standing )

Docket No. 06-0470

CHIEF CLERKS OFFICE

2007 FEB - 1 A 10:49

ILLINOIS  
COMMERCE COMMISSION

PETITION FOR LEAVE TO INTERVENE

GARY DAU and JEAN DAU, as property owners named in this proceeding, by and through their attorney, John L. Cantlin, & of John L. Cantlin & Associates, hereby petition to be allowed to intervene in Illinois Commerce Commission Docket No. 06-0470, as property owners with interests in property, which may be taken or damaged by the work proposed in the above captioned hearing.

1. Petitioners are property owners who are affected property owners in Docket No. 06-0470. Petitioners received correspondence from Enbridge Pipelines LLC ("Enbridge"), wherein Enbridge described a newly proposed crude petroleum pipeline project and discussed the possibility of easements for the location of this project, which Enbridge calls its "Southern Access Pipeline Expansion Program." Any decisions in regards to Docket No. 06-0470, will directly affect the property rights of the Petitioners as property owners.

2. Enbridge sent further correspondence to Petitioners requesting further information from Petitioners and from tenant farmers of the property. Enbridge has relied on the Petitioners as a matter of necessity to further their progress in the above state case.

3. Through further correspondence Petitioners have learned that the Enbridge companies were seeking an "Application for Certificate in Good Standing" with the Illinois Commerce Commission; and Petitioners now understand that this application could result in a granting of the power of eminent domain, which could ultimately allow Enbridge to forcibly take portions of Petitioners' farm property. Petitioners will be greatly and directly affected if eminent domain is granted.

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4. On September 21, 2006 Enbridge filed a First Amendment to Application for a Certificate in Good Standing with the Illinois Commerce Commission requesting authorization pursuant to Section 8-509 of the Public Utilities Act, (220 ILCS 5/8-509), when necessary for the construction of said pipeline systems to enter upon, take, or damage private property in the manner provided for by the law of eminent domain. It further stated that applicants state, as set forth in the Application, that it is the policy of Applicants to acquire necessary property interests through negotiated agreements with property owners.

5. Petitioners now seek to intervene for the following reasons:

a. Petitioners are landowners whom are directly affected by the above titled case. Under 735 ILCS 5/7-124, any persons not made a party may become such by filing a intervening petition setting forth that the petitioner is the owner or has an interest in the property, and which will be taken or damaged by the proposed work, and the rights of such petitioner shall there upon be fully considered and determined.

b. Petitioners are property owners so situated as to be adversely affected by decisions made in the above named case. Under 735 ILCS 5/2-408(3), intervention is permitted when the applicant is so situated as to be adversely affected by a distribution or other disposition of property in the custody or subject to the control or distribution of the court or a court officer.

6. Gary Dau and Jean Dau, individually, seek to intervene in the above captioned proceeding, be treated as parties, and will accept service by electronic means as provided for in 53 Ill. Admin. Code Section 200.20(a). Gary Dau and Jean Dau request that service in this proceeding should be directed to its attorneys listed below, and that its attorneys be added to the service list in this proceeding:

John L. Cantlin

John L. Cantlin & Associates

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**WHEREFORE**, Gary Dau and Jean Dau pray that the Commission will grant this Petition for Leave to Intervene and that they will be treated as parties to this proceeding.

Respectfully submitted,

BY: 

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Dated: January 31, 2007

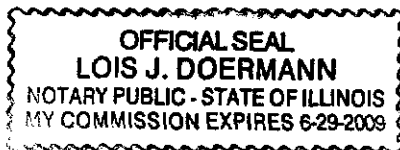
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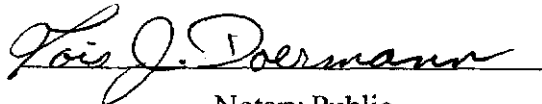
VERIFICATION

I, John L. Cantlin, first being duly sworn upon my oath, depose, and state that I am one of the attorneys for Robert B. Dolder and Linda J. Dolder, individually, that I have read the above and foregoing Petition to Intervene and believe the contents are true and correct to the best of my knowledge.



Subscribed and sworn before me this 31<sup>st</sup> day of January, 2007.



  
Notary Public

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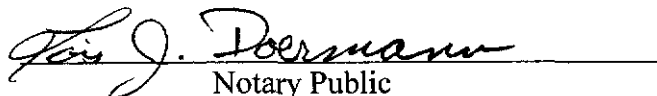
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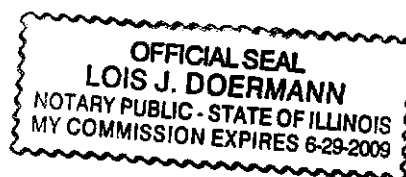
## PROOF OF SERVICE

The undersigned, sworn on oath, states that he served a copy of the foregoing PETITION FOR LEAVE TO INTERVENE on all attorneys of record in said case by mailing said copies, postage prepaid, to their respective addresses listed below on the Service List from the Post Office in Ottawa, Illinois on \_\_\_\_ day of January, 2007.

  
Affiant

Subscribed to and sworn before me  
this 31<sup>st</sup> day of January, 2007.

  
Notary Public



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